

Tuesday, April 22, 2014

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Adam Hill, Caren Ray, Debbie Arnold and Chairperson Bruce S. Gibson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON BRUCE S. GIBSON.

Consent Agenda – Review and Approval:

1-20. This is the time set for consideration of the Consent Agenda.

Chairperson Gibson: opens the floor to public comment.

Supervisor Mecham: states he will be recusing himself from voting on Item No. 14.

The action taken for Consent Agenda items 1 through 20 on the following vote is indicated for each item.

Motion by: Adam Hill
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			x (Item No. 14 only)
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Items Set for Hearing:

1. Submittal of a resolution of intention to renew the San Luis Obispo County Tourism Business Improvement District (CBID) Ordinance for FY 2014-15 and set May 13, 2014 as the date of the public hearing to consider any protest to the renewal of the CBID ordinance. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-90, adopted.

2. Introduction of an ordinance to continue the provisions and restrictions that were in place in the Land Application of Treated Sewage Sludge/Biosolids interim ordinance for a period of four years. Hearing date set for May 6, 2014. All Districts.

Mr. Eric Greening: speaks.

The Board approves as recommended by the County Administrative Officer.

Bid Opening:

3. Letter transmitting plans and specifications (Clerk’s File) for Sidewalk Improvements for Crocker Street in Templeton, for Board approval and advertisement for construction bids. Bid opening date for Thursday, May 22, 2014. District 1.

The Board approves as recommended by the County Administrative Officer.

4. Letter transmitting plans and specifications (Clerk’s File) for 2014 Pavement Surface Treatment, Various County Roads, San Luis Obispo County, for Board approval and advertisement for construction bids. Bid opening date set for Thursday, May 22, 2014. Districts 1, 2, and 3.

The Board approves as recommended by the County Administrative Officer.

5. Letter transmitting plans and specifications (Clerk's File) for Removal and Replacement of the Reservoir Liner at the Santa Margarita Booster Station Reservoir, Santa Margarita, for Board approval and advertisement for construction bids. Bid opening date set for Thursday, May 22, 2014. District 5.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Administrative Office Items:

6. Request to receive and file the response from the Sheriff-Coroner to the Grand Jury's 2013-14 report "Forensic Investigations in San Luis Obispo County: The SLO County Crime Lab, The SLO County Coroner's Office." All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:

7. Submittal of a cash procedure and internal control review of the Agricultural Commissioner/Sealer Weights and Measures department conducted on September 10 and 11, 2013. All Districts.

The Board approves as recommended by the County Administrative Officer.

8. Request to approve a rate adjustment for the garbage hauling services provided by Mid-State Solid Waste and Recycling Services (.85%) and San Miguel Garbage Company (.63%). All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

9. Request to appoint Kenneth J. Price as a District 4 representative to the Bicycle Advisory Committee. District 4.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Clerk-Recorder Items:

10. Request to destroy Clerk-Recorder documents as allowed by State Law. All Districts.

The Board approves as recommended by the County Administrative Officer.

11. Request to approve the minutes of the Board of Supervisors meetings held during the months of January through March 2014. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - General Services Agency Items:

12. Request to authorize a budget adjustment transfer totaling \$52,000 from Public Safety Realignment (AB 109) funds through Behavioral Health - FC 166, to Maintenance – FC 200, for a new project to construct conference rooms at the South County Drug and Alcohol Services Clinic located at 1523 Longbranch in Grover Beach. District 4.

Ms. Machele Vieux – General Services Agency: amends the District listed for this item to read District 3 not District 4.

This item is amended by correcting "District 4" to read "District 3." Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

13. Request to approve Amendment No. 1 to the lease with Potratz Properties LLC for an additional 3,161 square feet of improved office space for Social Services located at 3563 Empleo Street in San Luis Obispo. District 3.

The Board approves as recommended by the County Administrative Officer.

14. Request to approve a ground lease (Clerk’s Filed) with GTE Mobilnet, doing business as Verizon Wireless, for the installation of a cellular telephone antenna tower and associated equipment at the San Luis Obispo County Regional Airport. District 3.

Supervisor Mecham: recuses himself from voting on this item.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

15. Request for approval to apply for various federal grants to support and enhance adult treatment courts and to provide treatment services to the homeless suffering from mental health issues and/or substance use disorders. All Districts.

The Board approves as recommended by the County Administrative Officer.

Motion by: Adam Hill
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

16. Submittal of a resolution recognizing Roberta (Bert) Sharpe upon her retirement after 37 years of service to the County of San Luis Obispo. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-91, adopted.

Motion by: Adam Hill
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

17. Submittal of a resolution amending the Position Allocation List for Fund Center 160 - Public Health by deleting 1.0 Public Health Nurse position and adding 1.0 Program Manager I/II position to more effectively implement the County’s Maternal Child and Adolescent Health Program. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-92, adopted.

Consent Agenda - Planning & Building Items:

18. Submittal of a resolution amending the Position Allocation List for Fund Center 142 -Planning and Building to add two full-time, Limited Term Planner positions to support the emPower Energy

Efficiency Program and authorize a budget adjustment in the amount of \$30,150 from unanticipated revenue. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-93, adopted.

Consent Agenda - Public Works Items:

19. Submittal of a resolution to install and maintain gateway monuments along US 101 within California state right-of-way for the town of San Miguel and authorize the Director of Public Works to execute an encroachment permit with the State of California. District 1.

Mr. Michael Britton – Public Works: clarifies Attachment A should be included with the resolution.

This item is amended by attaching “Attachment A” to the resolution. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2014-94, adopted.

Consent Agenda Public Works - Board Sitting as Flood Control District:

20. Request to: 1) approve an agreement for professional engineering services with Carollo Engineers, Inc. in an amount not to exceed \$191,373 for developing the Integrated Regional Water Management (IRWM) expedited drought grant application for multiple projects and related services; 2) authorize the Director of Public Works, or his designee, to execute reimbursement agreements with agencies implementing the projects in the application; and 3) authorize a budget adjustment in an amount of \$191,373 from Flood Control and Water Conservation District reserves in Fund 1300000000 to fund the IRWM granting efforts. All Districts.

Mr. Eric Greening: speaks.

Board Members: address various questions, with Ms. Carolyn Berg – Public Works and Mr. Paavo Ogren – Public Works Director responding.

The Board approves as recommended by the County Administrative Officer.

Presentations:

21. Submittal of a resolution commending Diane Graton upon her retirement after 28 years of service to San Luis Obispo County Clerk-Recorder. All Districts.

Ms. Julie Rodewald – Clerk-Recorder and Ms. Diane Graton: speak.

RESOLUTION NO. 2014-95, a resolution commending Diane Graton for her 28 plus years of dedicated service to the County of San Luis Obispo, adopted.

Motion by: Frank R. Mecham

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

22. Submittal of a resolution commending Kari Graton upon her retirement after 30 years with the County of San Luis Obispo. All Districts.

Ms. Paavo Ogren – Public Works Director and Ms. Kari Graton: speak.

RESOLUTION NO. 2014-96, a resolution commending Kari Graton upon her retirement after 30 years of public service with the County of San Luis Obispo Public Works Department, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

23. Submittal of resolutions recognizing County employees for 30 years of service. All Districts.

Ms. Tami Douglas-Schatz – Human Resources Director: clarifies these recognitions are for 35 years of service not 30 years of service.

Mr. John Beaton receives his service award, with Mr. Paavo Ogren – Public Works Director speaking to Mr. Beaton’s history with the County.

RESOLUTION NO. 2014-97, a resolution commending John E. Beaton in recognition of thirty five years of service with San Luis Obispo County; and RESOLUTION NO. 2014-98, a resolution commending Ronald L. Coleman in recognition of thirty five years of service with San Luis Obispo County, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

24. Submittal of a resolution proclaiming May 2014 as "Bike Month" and May 7, 2014 as "Bike to School Day" and May 16, 2014 as "Bike to Work Day “in San Luis Obispo County. All Districts.

Ms. Stephanie Hicks – SLO Rideshare: speaks.

RESOLUTION NO. 2014-99, a resolution proclaiming May 2014 as “Bike Month” and May 7, 2014 as “Bike to School Day” and May 16, 2014 as “Bike to Work Day” in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Public Comment Period:

25. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

Mr. Marvin Alex Cohen - Bella Vino's Bistro Owner: discusses a penalty fee from the Public Health Department.

Mr. Eric Greening: announces today is Earth Day; and speaks to the Rail Safety Forum: Transportation of Crude Oil and Ethanol with the National Transportation Safety Board.

Mr. Ben DiFatta; Dr. C. Hite; Mr. Richard Margetson (document); Ms. Julie Tacker; and Ms. Linde Owen: address various comments and concerns relating to the Los Osos McDonalds hearing. Additionally, Mr. DiFatta and Ms. Owen, comment on the Los Osos Wastewater Project (LOWWP). Furthermore, Dr. Hite, presents a video of art in public places; and announces an upcoming printmaking exhibit.

Ms. Cherie Dodds; Ms. Patty Fuller; and Ms. Cynthia Hawley - Attorney representing the Nipomo Parks Conservancy (documentation): discuss the Nipomo Park Master Plan lawsuit between the Nipomo Parks Conservancy and the County of San Luis Obispo.

Mr. Mike Brown - Coalition of Labor, Agriculture, and Business (COLAB): comments on various Planning and Building Department projects.

Mr. Gary Kirkland: discusses repealing laws; and panga boats arriving on shore. **No action taken.**

Board Business:

26.

Presentation of the 2013 Annual Agricultural Statistics for San Luis Obispo County. All Districts.

Chairperson Gibson: opens the floor to public comment without response and receives and files the 2013 Annual Agricultural Statistics for San Luis Obispo County.
27.

Consideration of a request to: 1) approve a three year contract totaling approximately \$322,000 annually with the City of Arroyo Grande for the Sheriff's Office to provide consolidated dispatch services for the Arroyo Grande Police Department; 2) approve a resolution amending the Position Allocation List for Fund Center 136 – Sheriff-Coroner to add 3.00 FTE limited term Sheriff's Dispatcher positions funded by the City of Arroyo Grande for Fiscal Years (FY) 2013-14, 2014-15, 2015-16 and 2016-17; 3) and authorize a budget adjustment in the amount of \$89,588 for FY 2013-14 in FC 136 – Sheriff-Coroner. Districts 2 and 3.

Chairperson Gibson: opens the floor to public comment without response.

The Board approves the contract with the City of Arroyo Grande to provide dispatch services for the Arroyo Grande Police Department; RESOLUTION NO. 2014-100, a resolution amending the position allocation list resolution for fiscal year 2013-14, adopted; and approves a budget adjustment in the amount of \$89,588 for FY 2013-14.

Motion by: Caren Ray
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

28.

Consideration of a request to: 1) accept a Stonegarden Federal Grant in the amount of \$493,013 for coastline monitoring/detection and response equipment related to interdiction of coastal smuggling activities; 2) authorize a corresponding budget adjustment in Fund Center (FC) 136 – Sheriff-Coroner; 3) amend the fixed asset list in FC 136 to include a 27-foot Defender Class response boat; and 4) authorize the Sheriff-Coroner to sign grant documents necessary to the purchase of these items. All Districts.

Chairperson Gibson: opens the floor to public comment.

Mr. Paul Amaral – Marine Commercial Assistance, Towing and Salvage Company Owner: speaks,

with Board Members and Sheriff Ian Parkinson responding.

On motion of Supervisor Frank R. Mecham, seconded by Supervisor Caren Ray, to approve staff’s recommendations 1 through 4, is discussed. Further, Chairperson Gibson, suggests adding direction to staff to prepare a report on all the activities (investment, contributions to the operation, and results) of the Marine Enforcement Unit for the next budget cycle, with Sheriff Parkinson, stating he will prepare a presentation to the Board on the Marine Enforcement Unit and their costs.

The Board: 1) approves and accepts the Stonegarden Federal Grant in the amount of \$493,013 to be used for the purchase of coast line monitoring/detection and response equipment that includes: a Defender Class Boat; (3) Mobile License Plate Readers; a Thermal Imaging Camera; (3) Sensor kits; and (6) Night Vision Goggles; 2) approves a corresponding budget adjustment in the amount of \$493,013 in Fund Center 136 – Sheriff-Coroner; 3) amends the fixed asset list for the Sheriff’s Office to include a Defender Class Boat: (3) Mobile License Plate Readers; a Thermal Imaging Camera; (3) Sensor kits; (6) Night Vision Goggles; and 4) authorizes the Sheriff-Coroner to sign grant documents necessary to the purchase of these items.

Motion by: Frank R. Mecham
Second by: Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Closed Session Items:

29. The Board announces they will be going into Closed Session regarding:

I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. North County Watch v. County of San Luis Obispo (SMR Subd., CV 098031).

II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following: Name of employee organizations are: 2. SLOCEA-Trades and Crafts; 3. DCCA; 4. SLOGAU.

(Added Closed Session, per the Addendum to the Agenda. II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following: Name of employee organizations are: 5. SLOCPPOA; 6. SLOCEA-Public Services, Supervisors, Clerical; 7. Deputy Sheriff’s Association; 8. DAIA; 9. Sheriffs’ Management; 10. SLOCPMPOA; 11. ASLOCDS; and 12. Unrepresented Management & Confidential. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

Chairperson Gibson: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

Board Business:

30. Consideration of a request to authorize processing of a Land Use Ordinance Amendment application (LRP2013-00011) to allow multi-family residential as a primary use on a 1.2-acre site designated Commercial Retail in the community of Oceano. District 4.

Chairperson Gibson: opens the floor to public comment.

Ms. Julie Tacker: speaks.

On motion of Supervisor Caren Ray, seconded by Supervisor Adam Hill, to approve Option 1: authorize processing with limitations, is discussed. Supervisor Mecham, requests the motion be amended to add direction to staff to look into other sites where similar land use ordinance amendments might be considered, with the motion maker amending the motion to add direction to staff and the second concurring.

The Board reviews the attached proposal and approves Option 1: Authorize with limitations. Under this option, staff would complete the environmental review process and prepare an ordinance for consideration by the Planning Commission and Board of Supervisors. The planning area standard would authorize multi-family residential as a primary use on the site, but restrict the use to the rear of the site and to upper floors of buildings fronting Cienaga Street (Highway 1). This would ensure that the first floor of the buildings along the Highway 1 frontage would be reserved for commercial use. Further, the Board directs staff to look into other sites where similar Land Use Ordinance amendments might be considered.

Motion by: Caren Ray
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Hearings:

31. Hearing to consider an appeal by Integrity SLO of the Planning Commission's: 1) approval of Tentative Tract Map 2993 and Conditional Use Permit (SUB2008-00028) for a cluster subdivision of twenty-one parcels of one acre each and two open space parcels of 21.2 and 14.6 acres located on Zenon Way east of Palo Mesa and 2) adoption of the Mitigated Negative Declaration prepared for this project pursuant to the California Environmental Quality Act. District 4.

Ms. Nancy Orton – Planning and Building: presents a revised resolution, with amended findings and conditions.

Mr. Brian Pedrotti – Planning and Building: reads into the record the amendments to Exhibit A and Exhibit C, with Supervisor Ray, suggesting the word “sever” be corrected to read “severe” in the new Finding C. to both Exhibit A and Exhibit C.

Supervisor Ray: recommends adding the word “additional” between “of” and “particulate” in the second sentence in the new Finding C to both Exhibit A and Exhibit C, is discussed.

Ms. Aeron Arlin-Genet – Air Pollution Control District (APCD) (chart): speaks.

Mr. Kevin Rice – representing Integrity SLO, Appellant (documentation); and Ms. Cindy Chambers – Wallace Group Senior Planner and Agent for Cypress Ridge, Applicant (powerpoint): speak.

Chairperson Gibson: opens the floor to public comment.

Mr. Bob Blair and Ms. Carol Pillsbury: speak.

Mr. Rice: provides closing statements.

The Boards amends the resolution by adding the following two (2) findings to both Exhibit A and Exhibit C: Finding C. to read “The project is located in an area identified by the Air Pollution Control District (APCD) in the 2012-2013 South County Forecast Zone Map that could potentially experience higher than background particulate levels but is located in the least (severe) of the three areas

identified by APCD. Based upon that evidence as well as extensive APCD investigation and conclusions, the level of particulate matter in the project area does not rise to a level of a significant health concern to sensitive groups.”; Finding D. to read “Mitigations have been identified that address the potential for particulate matter/dust generation during project construction, which mitigations adequately reduce any potential impacts to a level of insignificance. Thus no significant impact will occur and therefore there will be no contribution to an identified cumulative impact.”; and re-numbering subsequent findings in Exhibit A. as Finding E. through Finding W. and in Exhibit C. as Finding E. through Finding J. Further, the Board denies the appeal filed by Integrity SLO; and RESOLUTION NO.2014-101, a resolution affirming the decision of the Planning Commission and conditionally approving the application of Cypress Ridge L.P. for a Vesting Tentative Tract Map 2993 and Conditional Use Permit SUB2008-00028, adopted as amended. Furthermore, the Board approves the Mitigated Negative Declaration in accordance with the applicable provisions of CEQA, Vesting Tentative Tract Map (TR 2993) and Conditional Use Permit SUB2008-00028 based on the revised findings in Exhibits A and C and revised conditions in Exhibits B and D.

Motion by: Caren Ray
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, April 22, 2014, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: April 23, 2014